

In re Application of Hein
Serial No. 09/491,322
Filed January 25, 2000
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IN THE SPECIFICATION:

Please cancel the present title and substitute therefor:
"METHOD OF USE OF TRANSGENIC PLANT EXPRESSED ANTIBODIES"

IN THE CLAIMS:

Please cancel claim 14 without prejudice.

Please enter the following rewritten claims as follows:

13. (Amended) A method of passively immunizing a human or animal subject against a preselected ligand, comprising administering to said subject a prophylactic amount of a biologically active immunoglobulin molecule which binds to and neutralizes said preselected ligand or immunologically active fragment thereof, wherein the immunoglobulin molecule is isolated from plant cells containing nucleotide sequences encoding one or more biologically functional immunoglobulin product not normally produced by the plant; and biologically functional immunoglobulin product encoded by said nucleotide sequences, wherein each nucleotide sequence encoding an immunoglobulin polypeptide encodes a leader sequence forming a secretion signal that is cleaved from said immunoglobulin polypeptide following proteolytic processing and wherein said immunoglobulin molecule is free from detectable sialic acid residues.

16. (Amended) The method of claim 15, wherein said material having nutritional value is from a plant or an animal.

18. (Amended) The method of claim 13, wherein said immunoglobulin is an antibody or an immunologically active fragment thereof.

19. (Amended) The method of claim 13, wherein said immunoglobulin is secretory IgA or an immunologically active fragment thereof.

21. (New) The method of claim 20, wherein the pathogen is selected from bacteria, viruses, or parasites.
22. (New) The method of claim 20, wherein the pathogen is E. coli, Salmonellae, Vibrio cholerae, Salmonellae typhimurium, or Streptococcus mutans.
23. (New) The method of claim 13, wherein the plant is a monocot.
24. (New) The method of claim 13, wherein the plant is a dicot.
25. (New) The method of claim 13, wherein the leader sequence is a non-native leader sequence.
26. (New) The method of claim 25, wherein the leader sequence is a yeast leader sequence.
27. (New) The method of claim 25, wherein the leader sequence is a plant leader sequence.
28. (New) The method of claim 13, wherein the plant cells are from seeds.
29. (New) The method of claim 13, wherein the immunoglobulin molecule is an IgA molecule.
30. (New) The method of claim 13, wherein the immunoglobulin molecule is an IgG molecule.

REMARKS

These remarks are in response to the Office Action mailed 2001. Claims 13, 16, 18 and 19 have been amended and claim 14 has been canceled. New claims 21-30 have been added to more Applicants submit that the amendments to the claims are for clarity and should not be construed as amendments affecting patentability under *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 234 F.3d 558, 56 USPQ2d 1865 (Fed. Cir. 2000) (en banc). Thus, upon entry of the amendment, claims 13-30 are under examination.